

Application of: Peter Arthur Tobler, et al.  
Serial No.: 10/708,146  
Amendment C

**AMENDMENTS TO THE DRAWINGS:**

No Amendments.

**REMARKS**

Responsive to the Examiner's concerns regarding the inventorship of the present invention, the Examiner was correct in assuming that the various claims were commonly owned at the time any inventions covered therein were made. Responsive to the Examiner's note that the paragraph numbers in the amendment to the specification filed January 11, 2007 correspond to one less than the numbers in the specification as originally filed, the Applicant agrees with the Examiner that the paragraph numbers should have been one higher than they appeared in the amendment. Responsive to the Examiner's note that the reference character "854" was changed to "856" without the "856" being underlined in paragraph [00128], the Applicant agrees with the Examiner that the reference character "865" should have been underlined. Responsive to the drawing objections, either the drawing has been amended as noted herein and/or the specification has been amended to overcome the objections. Paragraphs of the specification have been amended as noted herein to address the objection to the drawings regarding reference character "558," and the objection to the disclosure regarding confusion between reference characters "664" and "668." No new matter has been added by the drawing amendments or the specification amendments.

Regarding the amendments to the claims, the addition of the word "automatically" is supported in the specification at paragraph [0005] by the reference to "scheduled activity." The computer system can be scheduled to perform certain tasks automatically. The term "regarding a possible part defect" is supported in the specification at paragraph [0005] by the phrase,

“monitoring whether devices used in the facility are calibrated, and determining what corrective actions are appropriate if defects occur.” An improper calibration is an example of a device defect. The term “where said at least partially correlating assists in locating a possible part defect” is supported in the specification at paragraph [0005] by the phrase, “develops root causes for defects.” Here, the term “defect” refers to a defect in an end product, and the term “root cause” refers to the machine or part or device whose defect caused the defective product.

Claims 1-33, 35-43, 46-53, 55-58, and 60-61 are pending in the present application and all claims stand objected to and/or rejected. By this Amendment, independent claims 1, 33, 48-53, 54-58, and 60-61 and dependent claims 37, 41, and 46 have been amended.

Claims 1-11, 13, 15-17, 19-24, 33, 35-43, 47-51, 53, 56, 57, 60, and 61 were rejected under 35 U.S.C. §102(b) as being anticipated by Bjornson, U.S. Publication No. 2003/0004656.

Claims 12 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Peterson, U.S. Patent No. 5,473,950.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Kruse, U.S. Patent No. 5,012,667.

Claims 18, 26, 27, 32, and 55 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Kelly, U.S. Patent No. 6,044,154.

Claims 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Kelly, U.S. Patent No. 6,044,154, in further view of Himmel, U.S. Publication No. 2003/0236979.

Claims 25 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Kelly, U.S. Patent No. 6,044,154, in further view of Pascucci, et al., U.S. Patent No. 6,115,713.

Claims 30 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Pascucci, et al., U.S. Patent No. 6,115,713.

Claims 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bjornson, U.S. Publication No. 2003/0004656, in view of Xie, et al., U.S. Publication No. 2003/0120446.

The Applicant now turns to the rejection of the independent claims, numbers 1, 33, 48-53, 54-58, and 60-61, each of which were rejected under U.S.C. §102(b) as being anticipated by Bjornson, U.S. Publication No. 2003/0004656, or under 35 U.S.C. §103(a) as being unpatentable over Bjornson in view of another reference. Bjornson teaches a method for determining the cause of already discovered equipment failure (0101, Lines 8-9). A computer system instructs a human operator to observe changes in specific damaged equipment, and then analyzes that data along with previously entered data to determine the root cause of a malfunction (0095, Lines 5-9 and 0101, Lines 8-9).

Bjornson does not teach correlating a product defect with automatically taken quality control measurement data relating to the operation of the machines that were in use when that

product was manufactured, in order to locate an unknown device defect. As mentioned above, the method in Bjornson is entirely focused on determining the root cause of an already known malfunction – a seal failure (0018, Lines 1-19) – using observations taken by a human (0095, Lines 5-9). Consequently, Bjornson does not teach correlating a product defect with automatically taken quality control measurement data relating to the operation of the machines that were in use when that product was manufactured – i.e. correlating data to locate the malfunction itself.

Independent claims 1, 33, 48-53, 54-58, and 60-61, as amended, each contain limitations involving the automatic inputting of product quality control measurement data. As mentioned above, Bjornson uses humans to visually inspect the machines. Further, independent claims 1, 33, 48-53, 54-58, and 60-61 each contain a limitation involving the correlation of the quality control measurement data relating to the operation of the machines and devices with other information to locate a device defect. As mentioned above, Bjornson is focused on determining the root cause of an already known seal defect.

Continuing, none of the other references cited, alone or taken in combination, teach correlating a product defect with automatically taken quality control measurement data relating to the operation of the machines that were in use when that product was manufactured to locate a device defect. Consequently, independent claims 1, 33, 48-53, 54-58, and 60-61 are respectfully submitted to be allowable. Additionally, claims 2-32, 35-43, and 46-47 depend from one of independent claims 1, 33, 48-53, 54-58, and 60-61 and thus include all limitations of independent claims 1, 33, 48-53, 54-58, and 60-61. Consequently, dependent claims 2-32, 35-43, and 46-47 are respectfully submitted to be allowable.

The Applicant respectfully asserts that the application as amended is in condition for allowance including all remaining claims and respectfully request that all remaining claims be allowed to proceed to issuance. Specifically the informalities have been corrected and the references cited do not anticipate or render obvious the invention as claimed.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard. To further prosecution, if appropriate, Applicant requests that an advisory action be issued with any suggestions.

Respectfully submitted,

Date:

Oct 17, 2007



Mark E. Stallion  
Reg. No. 46,132  
Blackwell Sanders Peper Martin LLP  
720 Olive Street, Suite 2400  
St. Louis, MO 63101  
314-345-6000  
ATTORNEYS FOR APPLICANT